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Written statement* submitted by the Jammu and Kashmir Council for Human Rights (JKCHR), a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[23 August 2018]

* Issued as received, in the language(s) of submission only.

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Freedom of opinion and expression - Burqa controversy and minorities

Freedom of speech, recognised under article 19 of the Universal Declaration of Human Rights, is a basic right that should be exercised by everyone. It is the right to openly express ideas and opinions without fear of censorship or retaliation and in principle, this right should be given to people in all corners of the world. This however, is not the case. Many states and governments across the world have actively cracked down on freedom of expression among its people, for a wide number of reasons. On most occasions, due to fear of opposition, namely through criticism of how leaders or governments are functioning.

Those within the West, however, have the fortune of enjoying freedom of speech without the fear of crackdown. Laws are in place to protect its people, to allow individuals to freely articulate opinions and ideas without being censored or punished for openly stating what they feel. And whilst it is the responsibility of governments to ensure that this right is upheld, they must also find a way to ensure that freedom of speech is not abused and misused by people in any way. Unfortunately, we are beginning to see freedom of speech being abused and used as a tool to fuel hate and create differences.

We are witnessing a trend within the West, in the United Kingdom of Great Britain and Northern Ireland (UK) and Europe, to be more specific. Brexit in the UK and the rise of the far-right within Europe has highlighted the simmering tensions between communities. One of the main issues that fuelled Brexit within the UK was immigration, whereas Europe in recent times has seen immigrants being used as a trump card by far-right candidates wanting to get into power. The current climate has become toxic and race relations of late have suffered. And within such a climate it is vital that instigating and provocative language is not used, which can only further add to tension.

A perfect example of this is the recent Burqa controversy involving former Foreign Minister of UK, Boris Johnson. Mr. Johnson referred to women that wear the Burqa, which covers the entire face and body, as "bank robbers" and "letter boxes". The comments courted controversy and left people divided over whether his comments were offensive, or simply an expression of his views. Some people have come to the former Foreign Minister's defence, arguing that his views come under freedom of expression. It is, however, important to note that following Boris Johnson's comments, there was a sharp increase in hate crimes made against women of the Muslim faith.

According to Tell Mama, an organisation that monitors Islamophobia within the UK, a rise in attacks on Muslim women were reported following the controversial remarks. Women have reportedly been subjected to verbal abuse in public, and in some cases, individuals pretending to shove letters in the faces of women, a clear reference to the comments made. Some women have also been physically attacked, even women with children. The organisation stated that a direct correlation between Boris Johnson's comments and the hate crimes can be made. Furthermore, the former Foreign Secretary's official Facebook page was flooded with many Islamophobic and racist comments following the Burqa controversy.

The place of the Burqa within the West has been debated in the past, but we have recently seen a more vigorous debate take place. Some European countries have either banned the Burqa or contemplating it. Discussing whether it is compatible with their values is freedom of speech and everyone is entitled to form an opinion and share it. Not everyone approves of face covering and should be allowed to state this without feeling intimidated. The problem, however, lies with the type of language used and its motive. Boris Johnson's comments were not actually an opinion, but a mockery of the way women look. The comments made were rude and offensive and in a climate of simmering racial tensions, his words have only emboldened racists.

There has been a rise on racist attacks on the Muslim community within the UK and Europe in recent times, especially after terrorist incidents. But we are also witnessing hate crimes on the rise due to the political rhetoric used by politicians, who at times appear to be pandering to the far-right. With immigration being a contentious issue, it is unsurprising that politicians jump on the bashing bandwagon, to garner political support to further their career, and possible votes for the future. When such language is used by individuals in authority or high positions, it normalises hate and people begin to think that it is acceptable to use offensive language. If we begin to target specific individuals and communities whilst hiding behind our right to free speech, we are endangering the rights of others, as well as their well-being and safety.

Freedom of speech should never be used as a tool to spread hate or create tensions. When opinions are discussed, others may not agree or share our views. But we must allow others to express themselves. However, when we begin to use our

right of free speech in a careless manner, to cause a deliberate reaction, we then have a problem. The use of inflammatory language against women of one religion is stepping out of the realms of free speech and into more dangerous territory. When freedom of speech becomes insulting, it becomes a misuse of our right to express. We are living in a world today where many people are unable to express their right to free speech, and face imprisonment or even death for merely expressing their views.

This is precisely why those that are fortunate enough to exercise this right freely should not only defend this right, but also protect it from misuse. Freedom of speech is not only a right, it is also a responsibility. And it is highly irresponsible to use it to target, humiliate and belittle individuals or an entire community. Now seems to be the right time to address the issue of free speech versus hate speech, and where we should draw the line to separate the two. It is a tricky task to ensure the rights of one are not infringed whilst protecting another. But perhaps we need to start a debate on what type of language constitutes as a misuse of free speech. A clear distinction needs to be made. As we are now living in a time where minorities are being used as political scapegoats and targets, it is vital that we protect their rights as well, against the majority. We are not only responsible for our actions, but our words as well. And words can have a serious and deep effect on those that we use those words for.

The problem today is that not many people understand the notion of free speech. It is often thrown in to debate, to protect one's agenda. When the founder of UK's far-right group English Defence League Tommy Robinson was jailed in May for contempt of court during a high-profile grooming case, his supporters argued that it was an infringement of his right to free speech. And those very same supporters rallied in the name of "freedom," but it was more about promoting their far-right ideology, than defending free speech. Far-right speakers used the platform to incite racial hatred towards Muslims, and to dehumanize them. The rally was hate speech under the guise of free speech, and nothing about promoting the latter in a positive way. It was simply to fuel tensions and create further divisions.

Even within Italy, the far-right voices of the government have used highly offensive and provocative language towards immigrants, blaming them for Italy's problems. We have also seen Hungary adopt a more far-right policy in recent times. And the language used towards immigrants and Muslims have been rather disturbing. When governments that are supposed to protect all citizens begin to abuse freedom of speech, we are heading down a slippery slope. But the most classic example of this at present is within the United States of America, leader of the free world, where its President and administration use inflammatory and provocative language towards people of colour, ethnic minorities and women. America has always taken pride in being a defender of all Human Rights. And it rigorously upholds freedom of speech. But when the leader of the free world uses his position to hurl abuse towards others, it becomes an exploitation of that freedom.

Free speech has never been about deliberately targeting specific groups. It is a Human Right that many have fought for. People have struggled immensely to exercise this freedom; therefore, its value is priceless. But when we begin to abuse this right, when we exploit it for a more sinister agenda or deliberate attack on others, we are only disrespecting a Human Right that not everyone has the privilege of. We should never deny anyone the right to express themselves but at the same time, it is important to ensure that hate is not hiding behind the veil of free speech.